



\$~133

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8841/2023 and CM APPL. 33416/2023
RITIKA PRASAD Petitioner

Through: Petitioner in person

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY Respondent

Through: Mr. Kunal Mittal for Mr. Shiv
Dutt Kaushik, Advocate

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

07.03.2024

%

1. The petitioner has raised an issue which, though facially simple, is of great societal significance, if discussed in its full amplitude. However, in the light of a commendably progressive circular issued by the University Grants Commission (UGC) on 6 June 2014, this Court is, I must say regrettably, denied of the chance of doing so.

2. The petitioner has passed her 5 year B.A. LLB course from the Amity Law School, Delhi, which at that time was affiliated to the Guru Gobind Singh Indraprastha University (GGSIPU). Her grievance is that the B.A. LLB degree issued to her on completion of the course reflects only her father's name (Mahesh Prasad) and not her mother's name (Poonam Prasad). She seeks that her degree should reflect both her father's and mother's name.



3. Ms. Prasad has drawn my attention to the principles of gender equality and the right of a person to be identified in the manner the person best chooses, for which purpose she relies, *inter alia*, on the judgment of the Supreme Court in *Jigyada Yadav v. CBSE*¹. She also relies on *U.O.I. v. Annie Nagaraja*² and *Ministry of Defence v. Babita Puniya*³.

4. In *Annie Nagaraja*, which dealt with the right of Short Service Commissioned women officers in the Indian Navy to be granted Permanent Commission, the Supreme Court, categorically rejecting, among others, the submission that there were “certain” duties which fell to the lot of permanently commissioned Naval officers including, *inter alia*, the duty of functioning as sailors, observed thus:

“78. The battle for gender equality is about confronting the battles of the mind. History is replete with examples where women have been denied their just entitlements under law and the right to fair and equal treatment in the workplace. In the context of the Armed Forces, specious reasons have been advanced by decision-makers and administrators. They range from physiology, motherhood and physical attributes to the male dominated hierarchies. A hundred and one excuses are no answer to the constitutional entitlement to dignity, which attaches to every individual irrespective of gender, to fair and equal conditions of work and to a level playing field. A level playing field ensures that women have the opportunity to overcome their histories of discrimination with the surest of responses based on their competence, ability and performance.

80. These submissions which are based on deeply entrenched stereotypes came to be rejected by this Court in emphatic terms : (*Ministry of Defence v. Babita Puniya*)

¹ 2021 SCC OnLine SC 415

² (2020) 13 SCC 1

³ (2020) 7 SCC 469



“69. The submissions advanced in the note tendered to this Court are based on sex stereotypes premised on assumptions about socially ascribed roles of gender which discriminate against women. Underlying the statement that it is a “greater challenge” for women officers to meet the hazards of service “owing to their prolonged absence during pregnancy, motherhood and domestic obligations towards their children and families” is a strong stereotype which assumes that domestic obligations rest solely on women. Reliance on the “inherent physiological differences between men and women” rests in a deeply entrenched stereotypical and constitutionally flawed notion that women are the “weaker” sex and may not undertake tasks that are “too arduous” for them. Arguments founded on the physical strengths and weaknesses of men and women and on assumptions about women in the social context of marriage and family do not constitute a constitutionally valid basis for denying equal opportunity to women officers. ...

71. ... Such a line of submission is disturbing as it ignores the solemn constitutional values which every institution in the nation is bound to uphold and facilitate. ...

73. ... To cast aspersion on their abilities on the ground of gender is an affront not only to their dignity as women but to the dignity of the members of the Indian Army — men and women — who serve as equal citizens in a common mission.”

5. Babita Punia, earlier in point of time, voiced the same sentiment:

67. The policy decision of the Union Government is a recognition of the right of women officers to equality of opportunity. One facet of that right is the principle of non-discrimination on the ground of sex which is embodied in Article 15(1) of the Constitution. The second facet of the right is equality of opportunity for all citizens in matters of public employment under Article 16(1). The policy statement of the Union Government must therefore be construed as a decision which enforces the fundamental right of women to seek access to public appointment and to equality of opportunity in matters of engagement relating to the Army. The fundamental right is recognised in the specified streams where women are permitted



to seek engagement as equal members of the Armed Forces that the Indian Army represents. With the Union Government having recognised the induction of permanently commissioned women officers in its policy decision dated 25-2-2019, the submissions which have been made by the Union of India betray a lack of understanding of the plain consequences of the decision. The decision of the Union Government to extend the grant of PC to other corps in the support arms and services recognises that the physiological features of a woman have no significance to her equal entitlements under the Constitution.

6. To even psychologically compartmentalize human beings on the basis of sex and gender would be woefully anachronistic. It is a matter of pride and joy to this Court to see that a majority of young Counsel at the bar today – including the redoubtable Ms. Prasad – are girls, and, even more satisfyingly, I am informed that 70% of graduates from law schools today are girls. The artificial gender-based mental distinction that we have, over ages, drawn, based on a chance chromosomal circumstance, is now all but effaced. If there is still, among us, anyone who retains that mental block, it is time he woke up and smelt the coffee.

7. Equality of opportunity is but one facet of gender equality. *Equality of recognition* is just as important. Just as a daughter and son are equally entitled to recognition as the children of a couple, the mother and father are also equally entitled to recognition as parents of the child. To even question, much less deny, this, would be redolent, again, of an archaic and unrealistic notion of gender difference, which is a notion that has clearly outstayed its welcome.

8. I am, therefore, completely in agreement with Ms. Prasad in her



submission that there is no reasonable justification for only mentioning the father's name alone in any certificate relating to education or educational qualifications. It would be clearly retrogressive if educational certificates, degrees and other such documents reflect the name only of the father of a candidate, eliminating the name of the mother. The names of both parents should necessarily be reflected on the body of the certificate.

9. It is not necessary for this Court to enter into this arena, regarding which much can be said, in any greater depth, as the UGC has, *vide* Circular dated 6 June 2014, ordained as under :

“DO. No. 1-38/97 (CPP-II)

6th June, 2014

Reg: Inclusion of Mothers' Name in all the application forms / Degrees / Certificates issued by Universities and Colleges.

Sir /Madam,

In continuation of this office letter of even no. dated 18 April, 1998 on the subject of inclusion of Mother's name in all Application Forms/Degrees/Certificates issued by the university and affiliated colleges, you are requested to mention clearly Student's Surname, Name, Father's Name and Mother's Name on all academic testimonials in the following format:

	Surname	Name	Father's/Husband's Name
Name of student	Kale	Mangesh	Ramchandra
Father's Name	Kale	Ramchandra	Nitin
Mother's Name	Kale	Smita	Ramchandra

Kindly ensure compliance to the above format by all the departments of your university as well as the affiliated colleges.”



10. Mr. Kunal Mittal, learned counsel for the GGSIPU, does not dispute the applicability of this circular to his client as, indeed, he cannot, as the circular has been issued in exercise of the powers conferred on the UGC by the University Grants Commission Act, 1956. He submits that the highest officials in the GGSIPU had a meeting on this aspect and are in the process of taking a decision in this regard.

11. I do not see how there is any scope for cogitation or debate on the point.

12. This Court, therefore, simplifies the task of the officials in the University by issuing categorical directions that, in future, every document relating to the students in which the name of the parents of the student is to be mentioned, would reflect the name of both the father and mother of the concerned student. This shall be treated as mandatory and non-negotiable.

13. That said, the format in which the aforementioned Circular dated 6 June 2014 envisages mentioning of the name of the student, and of her mother and father, is, to my mind, needlessly confusing. It takes an effort to even read the names. I see no reason why the names cannot be written, normally, as “Mrs/Ms _____” and “Mr _____” instead of adopting the – without meaning a disrespect to the UGC – rather unwieldy tabular format envisaged in the Circular.

14. It is also unclear why the certificate/degree or other document should also reflect the name of the student’s father’s father, or of her



mother's husband or mother's father. The text above the table in the Circular does not require any such mention or reference.

15. I, therefore, deem it appropriate only to direct compliance with the UGC Circular dated 6 June 2014 insofar as it requires the names of the mother and the father of the student to be mentioned on all educational certificates, degrees, and similar documents. It would be for the University to decide on the format to be adopted in that regard.

16. The UGC may also, therefore, consider whether it is really necessary (i) to adhere to the tabular format mentioned in the Circular dated 6 June 2014 while mentioning the names of the mother and father of the student concerned and (ii) to require the name of the father's father and mother's father or mother's husband, also to be mentioned.

17. In deference to the authority of the UGC in that regard, I restrict this to a suggestion, which the UGC is requested to examine.

18. It is also clarified that these observations may have to be adjusted in cases of, for example, children adopted by a sole parent, or such other exceptional cases. Needless to say, such cases would have to be addressed on their individual facts.

19. In so far as the present petition is concerned, Mr. Mittal has candidly stated that his client is willing to issue a fresh LLB degree to the petitioner mentioning the name of her father as well as her mother.

20. In that view of the matter, the grievance of the petitioner stands



satisfied. The GGSIPU is directed to, within two weeks, issue a fresh B.A. LLB degree/certificate to the petitioner in which the names of both her father and mother would be reflected.

21. The writ petition stands allowed accordingly.

22. Let a copy of this order be marked to the UGC for circulation amongst all Universities which come within its purview. The UGC is also requested to examine the suggestion contained in paras 13 to 17 *supra*.

23. This Court appreciates the effort of Ms. Ritika Prasad in moving the present writ petition, which highlights a felt necessity of our times.

C.HARI SHANKAR, J

MARCH 7, 2024/yg

Click here to check corrigendum, if any